

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

On March 29, 2013, Petitioner Vincent Hall, an inmate at Lancaster State Prison (LSP), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ On April 24, 2013, the Court issued an Order Regarding Mixed Petition in which it found that Petitioner had filed a mixed petition containing exhausted and unexhausted claims because he had indicated in his petition that one of his claims was unexhausted. Doc. #2. In the Order, the Court explained to Petitioner that a federal court must dismiss a mixed petition and provided him with an opportunity to amend the petition by withdrawing the unexhausted claim and proceeding only on the exhausted claims, or to dismiss the mixed petition and return to federal court with a new petition once all claims were exhausted.

¹Petitioner initially named Ralph M. Diaz, Warden of the California Substance Abuse and Treatment Facility, where Petitioner was formerly incarcerated, as Respondent in this action. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Brian Haws, the Warden of LSP, where Petitioner is currently incarcerated, is hereby SUBSTITUTED as Respondent in place of Petitioner's prior custodian.

1 and serve on Petitioner a copy of all portions of the record that
2 have been transcribed previously and that are relevant to a
3 determination of the issues presented by the Petition.


4 If Petitioner wishes to respond to the Answer, he shall do
5 so by filing a Traverse with the Court and serving it on Respondent
6 within twenty-eight (28) days of his receipt of the Answer.

7 3. In lieu of an Answer, Respondent may file a Motion to
8 Dismiss on procedural grounds, as set forth in the Advisory
9 Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases.
10 If Respondent files such a motion, Petitioner shall file with the
11 Court and serve on Respondent an Opposition or Statement of
12 Non-Opposition within twenty-eight (28) days of receipt of the
13 motion, and Respondent shall file with the Court and serve on
14 Petitioner a Reply within fourteen (14) days of receipt of any
15 Opposition.

16 5. Petitioner is reminded that all communications with
17 the Court must be served on Respondent by mailing a true copy of the
18 document to Respondent's counsel. Petitioner also must keep the
19 Court and all parties informed of any change of address.

20 IT IS SO ORDERED.

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22 DATED 10/09/2013



THELTON E. HENDERSON
United States District Judge

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